

REMARKS

Claim 1 is amended for clarification in view of the rejections under 35 U.S.C. 112. This claim as amended, as well as the dependent claims, also is submitted as defining patentably over *Mamish* for the reasons discussed below.

Claims 1-3 and 5-9 were rejected under the first paragraph of 35 U.S.C. 112. According to this rejection, the term "cohesion" in those claims as rejected was "clearly new matter". This rejection relies on the Examiner's holding that "cohesion" refers to adhesion or attractions within a bulk phase.

Claim 1 is here amended to remove the term "cohesion", so as to advance prosecution of the application. However, the applicant notes for the record that the enclosed dictionary definitions of "cohesion" include "sticking together tightly". Accordingly, the applicant submits that the term "cohesion" as previously added for that general meaning was, in fact, not new matter.

The Examiner also asserted applicant's argument that the fibers are bonded together without holes also is new matter. Rather than argue that issue, Claim 1 is here amended to recite that the non-woven material is impregnated with thermoplastic resin "in such a way that penetration of the adhesive coating through the textile tape support is prevented". This limitation finds support on page 3, lines 1 and 2, of the specification.

Claims 1-3 and 5-9 stand rejected as unpatentable over *Mamish*. The applicant respectfully traverses this rejection as possibly applied to amended Claim 1 and the dependent claims.

Claim 1 now is amended to define a textile adhesive tape consisting essentially of the two layers recited in that claim. Those two layers include one support layer and one adhesive

layer at least at one side of the support layer. (The tape optionally may comprise a second adhesive layer on the *other* side of the support.) The recited adhesive layer, in any case, lies directly alongside the recited support layer, without a barrier layer.

Mamish clearly describes three layers, as seen from column 1, lines 51-55: (1) a polyolefinic backing layer, (2) a lightweight non-woven, and (3) an adhesive layer. The backing layer in *Mamish* coats the surface of the cloth (lines 58 – 59) and serves as a barrier layer sealing the non-woven against the adhesive. The non-woven preferably may be – but is not necessarily – discontinuous.

For a better illustration of *Mamish*, please refer to the enclosed drawing which shows a cross section of the *Mamish* tape and illustrates these described layers.

In contrast to the present invention, in the tape described by *Mamish* neither the first nor a second adhesive layer (on the opposed side of the tape) would be applicable without the presence of the first (described) or a second backing layer, if penetration of the adhesive into the non-woven should be prevented. The reason for this is that *Mamish*'s "embedding", including "invading interstices" evenly, is not the same as "impregnating". *Mamish* (column 2, lines 33-35) describes that "the two-layer backing may be formed by coextrusion coating it onto the non-woven cloth" (emphasis supplied). The respective processes – "which are well known in the art" (*Mamish*, column 4, line 39) – are described with more detail in column 3, line 66 – column 4, line 26. As the applicant previously pointed out in the First Response filed November 13, 2002, with reference to the table shown on page 6 of that response, according to *Mamish*'s technique the resin surrounds the non-woven and is capable of invading holes ("interstices" or "apertures" – c.f. column 2, line 10 of *Mamish*) of a discontinuous material. However, on the side opposite to the backing, the non-woven remains uninfluenced by the polyolefinic material.

The impregnation according to the present invention instead enables one to apply an adhesive on both sides of the support excluding a penetration of the adhesive into the support,

without the need of additional barrier layers. Thereby – as is well known in the art – impregnation means that the impregnating material permeates, saturates, or soaks the material to be impregnated. As mentioned in the description of the present invention, this may be achieved preferably by a dipping or spray method (please see page 2, line 16).

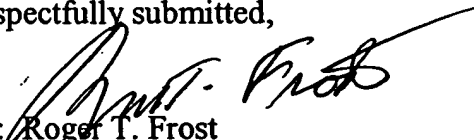
Table I of *Mamish* inherently supports the applicant's argument in the last response, namely, that *Mamish* does not describe an impregnation with a basis weight of 1 to 5 g/m². The lowest value of the density of the resins in Table I is 0.917 g/cm³ (Position 2 – LDPE). Correspondingly, the lowest value of the thickness is 1.5 mils. By multiplication this leads to a basis weight of the resin of 34.9 g/m² – about 700% of the claimed value according to the invention. Such a difference should not be characterized as “either inherent or an obvious optimization” to justify an obviousness rejection.

The applicant notes the Examiner's statements in the first full paragraph on page 4 of the last Office action. However, the question here presented is not whether the additional backing layer prevents the adhesive from bleeding through, but whether the non-woven would be protected from bleeding-through without a coating. The answer to this question is, based only on *Mamish's* disclosure, only speculation. A teaching of obviousness requires more than mere speculation, and that teaching comes only from the present applicant with regard to the non-defined by Claim 1. Accordingly, that claim and the dependent claims define patentable subject matter over *Mamish*.

Application No. 09/755,884
Amendment dated July 28, 2003
Reply to Office action dated April 28, 2003

The foregoing is submitted as a complete response to the Office action identified above. This application should now be in condition for allowance, and the applicant solicits a notice to that effect.

Respectfully submitted,


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